

IN THE SENATE OF THE UNITED STATES.

JANUARY 30, 1849.

Read twice, and referred to the Committee on the District of Columbia.

AN ACT

To incorporate the Oak Hill Cemetery in the District of Columbia.

1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the United States of America in Congress*
3 *assembled, That Lorenzo Thomas, John Marbury, senior,*
4 *Edward M. Linthicum, and George Poe, junior, together*
5 *with such other persons as may become proprietors of*
6 *lots in the hereinafter mentioned cemetery, of a size not*
7 *less each than three hundred square feet, and their suc-*
8 *cessors and assigns, be, and they are made hereby, a*
9 *body politic and corporate in law, under the name, style,*
10 *and title of "The Oak Hill Cemetery Company;" and by*
11 *that name shall be able and capable in law to have and*
12 *use a common seal; to sue and be sued; to plead and be*
13 *impleaded; and to do all such other things as are incident*
14 *to a corporation.*

1 SEC. 2. *And be it further enacted, That the said Lo-*

renzo Thomas, John Marbury, senior, Edward M. Lin-
thicum, and George Poe, junior, shall be managers of the
said corporation, and shall continue so to be until the first
Monday in June, in the year eighteen hundred and fifty-
two; on which day, and on the same day in every suc-
ceeding year thereafter, there shall be a general meeting
of the proprietors of lots in the said cemetery, who are
members of the said corporation, of whom twenty, ap-
pearing in person, or by proxy, shall form a quorum to
transact all business; and at such meeting on that day, in
each and every year, the said proprietors of lots, each be-
ing entitled to one vote, and no more, shall elect four per-
sons, from among their own number, to be managers of
the said corporation for one year from the day of their elec-
tion, and until other managers shall be duly elected in
their places; and if there shall, from any cause whatso-
ever, be a failure, on the part of the proprietors of lots,
to make such election on any of the days aforesaid, the
managers holding over shall appoint some other time for
proprietors of lots to meet, and make such election,
and shall give at least six days' previous notice of the
time and place so appointed, by an advertisement in some
convenient newspaper, and the managers then elected
shall serve until the recurrence of the regular election,
and until others have been elected in their place; and

27 in the event of any vacancy in the board of managers by
 28 death, resignation, removal from the county, or otherwise,
 29 the continuing members of the said board shall have
 30 power to choose, from among the proprietors of lots in
 31 the said cemetery, a manager to fill such vacancy; and the
 32 person so chosen shall have power to act in the premises,
 33 in connexion with the continuing managers, in every re-
 34 spect as if he had been originally appointed to said office
 35 by this act, or elected to the same by the proprietors of
 36 lots at a general meeting; and a majority of the said
 37 board of managers shall form a quorum to do all busi-
 38 ness.

1 **SEC. 3.** *And be it further enacted,* That the said
 2 corporation may acquire, take, and hold, in fee simple, by
 3 gift or grant, all that portion of a lot of ground in Wash-
 4 ington county, in the District of Columbia, commonly
 5 called the Rock of Dunbarton, which is bounded on the
 6 south by the northern boundary line of Georgetown, on
 7 the west by lands of Captain William M. Boyce, on the
 8 north by Rock creek, and on the east by land of the heirs
 9 of Lewis Grant Davidson, deceased, containing about fif-
 10 teen acres, and any other lands adjacent thereto, not ex-
 11 ceeding in the whole fifty acres; and may take and hold
 12 any personal estate not exceeding ten thousand dollars in
 13 value; which said land and personal estate shall be de-

14 voted and applied to purposes connected with, and appro-
15 priate to the objects of a cemetery or burial place, to es-
16 tablishing, maintaining, and improving of which, is hereby
17 declared to be the only object for which said corporation
18 is created.

1 SEC. 4. *And be it further enacted*, That the said
2 board of managers shall choose one of their own body to
3 be president thereof, who shall be also president of said
4 corporation. They shall have power to appoint all officers
5 and agents necessary for the due and regular transaction
6 of the business of said institution, to assign to them
7 severally their duties, to fix their compensation, and to
8 require, if deemed expedient, of any of their said officers
9 a bond with approved security for the faithful performance
10 of their duties. They shall have power to lay out and
11 ornament the cemetery grounds; to erect all necessary
12 enclosures and buildings; to lay out, sell, and dispose of,
13 burial lots; to make such by-laws, rules, and regula-
14 tions as they may deem proper for conducting the affairs
15 of said company, for the government of lot-holders and
16 visitors to the cemetery, and for the sale and conveyance
17 of lots in the said cemetery by individual proprietors, and
18 in general they shall have the management, superinten-
19 dence, and care of the property, expenditures, business,
20 and prudential concerns, of the said corporation; and

21 they shall make a report of their doings to the said cor-
 22 poration, at each annual meeting of the said proprietors
 23 of lots.

1 SEC. 5. *And be it further enacted*, That special
 2 meetings of the members of the said corporation for the
 3 transaction of business may be called by the board of
 4 managers, or by any five of such members, by advertise-
 5 ment to be inserted in some convenient newspaper, two
 6 weeks before the day appointed for such meeting, in which
 7 shall be set forth the time and place and object of such
 8 meeting.

1 SEC. 6. *And be it further enacted*, That every lot
 2 conveyed in said cemetery shall be held by the proprietor
 3 thereof for the purpose of sepulture only, and for no other
 4 purpose, and shall be deemed real estate, and shall not be
 5 subject to the payment of any assessment or tax what-
 6 soever, nor subject to execution or attachment for any
 7 debt; and the proceeds of the sale of burial lots in the
 8 said cemetery shall, after deducting the annual expenses
 9 of said cemetery establishment, be applied solely to the
 10 improvement, extension, ornament, and preservation of the
 11 said cemetery, and shall not be made a source of profit to
 12 the proprietors of lots, or members of said corporation.

1 SEC. 7. *And be it further enacted*, That any per-
 2 son who shall unlawfully destroy, mutilate, deface, injure,

3 or remove any tomb, monument, grave-stone, or other
4 structure, placed in the said cemetery, or any fence, rail-
5 ing, or other work, for the protection or ornament of any
6 tomb, monument, grave-stone, or other structure aforesaid,
7 or of any cemetery lot within the limits of the ground be-
8 longing to the said corporation, or of the ground set apart
9 for the cemetery; or shall unlawfully destroy, break, or
10 remove, cut, or injure any tree, shrub, or plant, within the
11 limits of said cemetery; or shall shoot or discharge any
12 gun or other fire-arm within the said limits, or at any ob-
13 ject within the same, shall be deemed guilty of a misde-
14 meanor, and shall, upon conviction thereof before any jus-
15 tice of the peace, or other court of competent jurisdiction
16 within Washington county aforesaid, be punished by a
17 fine of not less than five dollars, or more than fifty, ac-
18 cording to the nature and aggravation of the offence; and
19 such offender shall also be liable in an action of trespass
20 to be brought against him in any court of competent juris-
21 diction in the name of the said corporation, to pay all
22 such damages as shall have been occasioned by his un-
23 lawful act or acts; which money, when recovered, shall
24 be applied by the said corporation, under the direction of
25 the board of managers, to the reparation and restoration
26 of the property destroyed or injured as above, and mem-
27 bers of the said corporation shall be witnesses in such

28 suit ; and if any person shall unlawfully open any tomb or
29 grave in the lands of the said Oak Hill Cemetery Com-
30 pany, or shall clandestinely remove, or attempt to remove,
31 any body or remains therefrom, such person, on convic-
32 tion thereof in any court of competent jurisdiction within
33 the county where the said cemetery is situated, shall be
34 sentenced to undergo imprisonment in the penitentiary of
35 the District of Columbia, at hard labor, for a term not
36 less than one year or more than five, and pay a fine of not
37 less than one hundred dollars, at the discretion of the said
8 court.

1 *SEC. 8. And be it further enacted,* That lots in the
2 said cemetery shall be indivisible, and upon the death of
3 any proprietor of any lot in the said cemetery, he or she
4 being a member of said corporation, the devisee of such
5 lot, or the heir at law, as the case may be, shall be en-
6 titled to all the privileges of membership as aforesaid ; and
7 if there be more than one devisee, or heir at law, of each
8 lot, the board of managers for the time being shall desig-
9 nate which of the said devisees, or heirs at law, shall rep-
10 resent the said lot, and vote in the meetings of the corpo-
11 ration ; which designation shall continue in force until by
12 death, removal, or other sufficient cause, another designa-
13 tion shall become necessary ; and in making such designa-
14 tion the managers shall, as far as they conveniently may,

15 give the preference to males over females, and to proximity
 16 of blood, and priority of age, having due regard, however,
 17 to proximity of residence.

1 SEC. 9. *And be it further enacted,* That it shall be
 2 lawful for the said corporation to take and hold any grant,
 3 donation, or bequest, upon trust, to apply the income
 4 thereof, under the direction of the board of managers, for
 5 the embellishment, preservation, renewal, or repair of any
 6 tomb, monument, grave-stone, or other structure, fence,
 7 railing, or other enclosure, in or around any cemetery lot,
 8 or for the planting and cultivation of any trees, shrubs,
 9 flowers, or plants, in or around any cemetery lot, accord-
 10 ing to the terms of such grant, donation, or bequest ; and
 11 any court having equity jurisdiction within the county in
 12 which said cemetery is situated shall have full power and
 13 jurisdiction to compel the due performance of such trust,
 14 or any of them, upon a bill filed by the proprietor of any
 15 lot in said cemetery for that purpose.

1 SEC. 10. *And be it further enacted,* That the said
 2 cemetery property shall be, and the same is hereby, de-
 3 clared to be forever inalienable by the said corporation, and
 4 to be exempted from all public assessments and taxes, so
 5 long as the same shall remain dedicated to the purposes
 6 of a cemetery.

Passed the House of Representatives : *Jan. 25, 1849.*

Attest:

THO. J. CAMPBELL, *Clerk.*